

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**OMNIPOINT COMMUNICATIONS, INC., d/b/a
T-MOBILE, and OMNIPOINT NY MTA
LICENSE, LLC,**

Plaintiffs,

-VS-

**TOWN OF LAGRANGE, TOWN OF
LAGRANGE ZONING BOARD OF APPEALS,
TOWN OF LAGRANGE PLANNING BOARD,
and TOWN OF LAGRANGE PLANNING,
ZONING, AND BUILDING DEPARTMENT,**

Defendants.

**NOTICE OF PLAINTIFFS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Civil Action No. 08-CV-2201
(WCC) (GAY) (ECF Case)

PLEASE TAKE NOTICE that plaintiffs, Omnipoint Communications, Inc., d/b/a T-Mobile, and Omnipoint NY MTA License, LLC, will and hereby do move for partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

This motion is based on (1) this Notice of Motion; (2) the Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment; (3) the Declaration of Jon P. Devendorf, with attached exhibit; (4) the stipulated administrative record; and (5) on such other and further matters as may be presented at or before the hearing on this motion.

Dated: July 25, 2008

HISCOCK & BARCLAY, LLP

By: s/Jon P. Devendorf
Jon P. Devendorf (JD2724)
John D. Cook (JC2885)

Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I certify that on July 25, 2008, I filed a copy of the foregoing document with the Clerk of the Court via the CM/ECF system, which gave notice to the following attorney:

Rebecca Ann Valk rvalk@vandewaterlaw.com

s/ Jon P. Devendorf

Jon P. Devendorf